

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Busch *et al.*) Art Unit: 1616
U.S. Application No. 10/537,141) Examiner: Unassigned
International Application No. PCT/US03/38118) Confirmation No. 1206
Filing Date: June 2, 2005)
International Filing Date: December 2, 2003)
For: COMPOSITION AND METHOD)
FOR TREATING PLANT FUNGAL)
DISEASE)

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer No. 23859

November 7, 2006

Sir:

In response to the April 14, 2006, Notification to File Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), enclosed is:

1. An original of the executed Declaration and Power of Attorney from the inventors associated with this Non-Provisional Patent Application; each identified by place of residence, and country of citizenship,
2. an original copy of the Notice,
3. the late declaration surcharge,
4. the required search and examination fee(s); and
5. the additional claim fee(s).

**ATTORNEY DOCKET NO. 02177.0003U2
APPLICATION NO. 10/537,141**

Also included is a Request for Extension of Time (5-Month) and the appropriate fee.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of **\$2920.00** is enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Christopher L. Curfman, JD, PhD
Registration No. 52,787

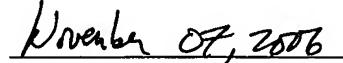
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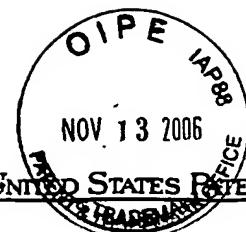
CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.



Christopher L. Curfman


Date



UNITED STATES PATENT AND TRADEMARK OFFICE

PCT
P
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/537,141	Fred Busch	02177.0003U2

23859
NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

INTERNATIONAL APPLICATION NO.	
PCT/US03/38118	

I.A. FILING DATE	PRIORITY DATE
12/02/2003	12/02/2002

CONFIRMATION NO. 1206
371 FORMALITIES LETTER



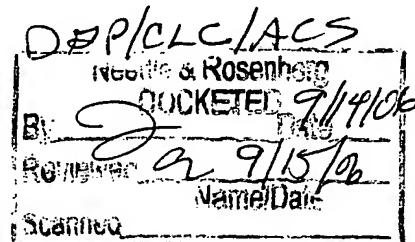
OC000000018533711

Date Mailed: 04/14/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/02/2005
- Copy of the International Search Report filed on 06/02/2005
- Information Disclosure Statements filed on 09/19/2005
- U.S. Basic National Fees filed on 06/02/2005
- Priority Documents filed on 06/02/2005
- Specification filed on 06/02/2005
- Claims filed on 06/02/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$1625 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$1840 for a Small Entity:

- **\$65 Surcharge.**
 - The application search fee has not been paid. Applicant must submit \$50 to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
 - The application examination fee has not been paid. Applicant must submit \$100 to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is \$ 1625
 - \$1000 for 10 independent claims over 3.
 - \$625 for 25 total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/537,141	PCT/US03/38118	02177.0003U2